

REMARKS

Claims 1 to 53 were pending in the application at the time of examination. Claims 1 to 53 stand rejected as obvious.

Applicants call to the Examiner's attention that responsibility for the above application has been transferred by the Assignee to the undersigned attorney. A Revocation of Attorney and Appointment of New Attorney was filed and received by the USPTO. The USPTO entered the revocation in a paper dated April 12, 2005. Please direct all future correspondence in the above application to the undersigned attorney.

The Examiner objected to Figs. 1, 3 and 7 because these figures included reference characters not mentioned in the description.

Applicants have amended paragraph [0036] to include reference numeral 150.

Applicants have amended paragraph [0046] to include reference numerals 101, 102, 117, 118, and 119. The added description follows directly from Figures 1 and 3 and so does not constitute new matter. Rather, the amendment obtains correspondence between the specification and the drawings.

Applicants have amended paragraph [0046] to include reference numeral 103. The added description follows directly from Figure 1 and so does not constitute new matter. Rather, the amendment obtains correspondence between the specification and the drawings.

Applicants have amended paragraph [0054] to include reference numerals 181 and 182. The added description follows directly from Figures 1 and 3 and so does not constitute new matter. Rather, the amendment obtains correspondence between the specification and the drawings.

Applicants have amended paragraph [0062] to include reference numerals 184 and 186. The added description follows directly from Figures 1 and 3 and so does not constitute new

matter. Rather, the amendment obtains correspondence between the specification and the drawings.

Applicants have amended paragraph [0149] to include reference numerals 701, 702, and 715. The added description follows directly from Figure 7 and so does not constitute new matter. Rather, the amendment obtains correspondence between the specification and the drawings.

In view of the above described amendments to the specification, each reference numeral cited in the objection to the drawings is now included in the description. Accordingly, the objections to Figs. 1, 3 and 7 have been rendered moot. Applicants respectfully request reconsideration and withdrawal of the objection to the drawings.

Claims 12, 13, 18, 26, and 44 stand objected to under 37 C.F.R. § 1.75(a) because of informalities.

Applicants thank the Examiner for the careful reading of the description and the claims. In each instance, Applicants have amended Claims 12, 13, 18, 26, and 44 as suggested by the Examiner. Accordingly, Applicants request reconsideration and withdrawal of the objection to each of Claims 12, 13, 18, 26, and 44.

Claims 1, 2, 9 to 11, 13, 14, 16, 18, 20, 26 to 28, 30, 31, 33, 35, 36, 38, 44 to 46, 48, 49, 51, and 53 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 6,104,716, hereinafter referred to as Crichton, in view of U.S. Patent No. 6,073,175, hereinafter referred to as Tavs.

The rejection first addressed Claim 36. Applicants respectfully traverse the obviousness rejection of Claim 36. To make a prima facie obviousness rejection, the MPEP directs:

BASIC CONSIDERATIONS WHICH APPLY TO OBVIOUSNESS REJECTIONS

When applying 35 U.S.C. 103, the following tenets of patent law must be adhered to:

- (A) The claimed invention must be considered as a whole;
- (B) The references must be considered as a whole and must suggest the desirability and thus the obviousness of making the combination;

(C) The references must be viewed without the benefit of impermissible hindsight vision afforded by the claimed invention; and
(D) Reasonable expectation of success is the standard with which obviousness is determined.

MPEP § 2141, 8th Ed., Rev. 2, p. 2100-120 (May 2004). It is noted that this directive stated "the following tenets . . . must be adhered to." Accordingly, failure to adhere to any one of these tenets means that a prima facie obviousness rejection has not been made.

The rejection failed to adhere to multiple of these tenets. As demonstrated more completely below, the claimed invention has not been considered as a whole; the references have not been considered as a whole; and the references do not suggest the desirability of making the combination. Pieces of the references have been extracted and selectively interpreted in view of Applicants' claims. Finally, there was no explanation of how the primary reference would work for its intended purpose following the modification.

In the rejection, Column 3, lines 40 to 43 of Crichton was cited as teaching:

a memory storing a method for enabling a user to access a local area network from a client device in a publicly accessible computer network and not directly connected to the local area network

in Claim 36. Claim 36 expressly stated that the method was associated with a client device was "in a publicly accessible computer network." However, Column 3, lines 40 to 43 in Crichton recited:

That is, the purpose of the firewall 13 is to guard the computer resources of Company A, in this case, network 11 which may comprise many servers and clients connected together on a local area network (LAN).

A memory is not mentioned. Fig. 1 of Crichton in which these elements appear shows only a high level diagram of "a client 122 running a client application." Crichton, Col. 3, lines 35 and 36. Thus, the rejection identifies client 122 as the client device and apparently infers any other properties because the cited section, as quoted above, describes only firewall 13 and LAN 11.

Next, the rejection cited Crichton, Col. 3, lines 60 to 63 as teaching:

receiving at a client proxy device a data request from a client data processing device for data accessible from at least one network server in the local area network;

in Applicants' Claim 36. This element of Claim 36 recites "a client proxy device," "a data request," "a client data processing device," and "at least one network server in the local area network." However, Crichton, Col. 3, lines 60 to 63 stated:

In this illustration, a client application running on a client 142 behind firewall 15 may attempt to address the server application running on server 111 behind firewall 13 via the Internet 12.

First, client 142 of Crichton is different from client 122 in Fig. 1 of Crichton that was cited in the first part of the rejection, and client 142 is not in a publicly accessible computer network, but rather is on "Company B's Private Network 14." The cited portion of Crichton, as quoted above, explicitly stated that client 142 is behind a firewall. Moreover, Fig. 3 of Crichton shows that the data on server 111 is not accessible to the client application on client 142. This demonstrates that the reference is not being considered as a whole and elements are being extracted from the reference

based upon Applicants' claim language rather than the teachings of the reference.

Further, the rejection has failed to cite any teaching of "a client proxy device." Thus, the explicit claim language has been reduced to a gist, and depending on the element of the claim, clients in the prior art reference in physically different configurations are being cited. The rejection has failed to cite support in Crichton for this mixing of the different examples in Crichton.

The MPEP directs:

FACT THAT REFERENCES CAN BE COMBINED OR MODIFIED IS NOT SUFFICIENT TO ESTABLISH PRIMA FACIE OBVIOUSNESS

The mere fact that references can be combined or modified does not render the resultant combination obvious unless the prior art also suggests the desirability of the combination.

MPEP § 2143.01, 8th Ed., Rev. 2, p.2100-131, (May 2004).

The rejection has provided no citation to any teaching in the prior art to modify Crichton in the way that the reference is used in the rejection. Accordingly, the above remarks alone are sufficient to overcome the rejection.

Nevertheless, continuing, the rejection cited Crichton, Col. 5, lines 9 to 16 as teaching:

establishing a data transmission link between the client proxy device and a proxy server connected to the at least one network server in the local area network;

in Claim 36. The rejection jumps to a third diagram, Fig. 4, and selects only a segment of the operation of middle proxy 26 of Fig. 4 in Crichton. The rejection combines that segment with the other selectively extracted segments in Figs. 1 and 3 of Crichton. Again, the MPEP, as quoted above, requires that the reference be considered as a whole and any modification of

the reference, i.e. the selective extraction and recombination of different elements in Crichton cited in the rejection, be supported by some teaching in the prior art.

This selective dissection and recombination of the reference was continued when the rejection cited Col. 3, lines 49 to 52 of Crichton that described features of Fig. 2 of Crichton. Thus, the rejection has selectively extracted elements from four different configurations in the prior art reference and simply cited to these elements without any explanation or justification for the selective extraction and recombination, other than Applicants' claim language. This alone is indicative of an improper level of analysis. Moreover, as noted above, the selectively extracted elements fail to even suggest multiple of the elements recited in the claims. Accordingly, the rejection has failed to consider the reference as a whole, and has not provided the required justification for the modification of the primary reference.

Applicants further note that the rejection combines Tavs with Crichton. Crichton described:

The Lightweight Secure Tunneling Protocol (LSTP) according to the invention is the protocol used between the client proxy 223 and the middle proxy 26 and between the server proxy 213 and the middle proxy 26 shown in FIG. 4.

Crichton, Col. 6, lines 39 to 42.

The cited portion of Tavs at Col. 5, lines 29 to 38 stated:

4) The proxy can place packets belonging to the session on reserved channels in the network. A reserved channel in the network can be established using a reservation protocol like RSVP, or it can be established using alternate bandwidth allocation techniques available in the routers. The proxy can change the format of packets belonging to the session so that they would belong to a pre-existing reserved channel, or may request a new

reserved channel for the session. The selection of the reserved channel is done on the basis of the service level category.

The rejection failed to show or explain how "pre-existing reserved channels" would be used with the tunnel of Crichton using The Lightweight Secure Tunneling Protocol (LSTP). The MPEP requires that the modification not change the principles of operation of the primary reference. See MPEP § 2142.01, Rev. 2, pg. 2100-132. The primary reference teaches an explicit way to establish a tunnel that requires each of the elements described in that reference and use of a particular protocol. The rejection has cited no teaching either reference on how "pre-existing reserved channels" would be incorporated into the tunnel of Crichton without changing the principles of operation of Crichton. The rejection failed to cite any such pre-existing channels in Crichton. Thus, a change in the principle of operation in Crichton would be required and so according to the MPEP the combination of references is not well founded.

Applicants have demonstrated multiple different instances in which the obviousness rejection of Claim 36 failed to comply with the requirements of the MPEP. Any one of these instances is sufficient to overcome the obviousness rejection of Claim 36. Accordingly, Applicants request reconsideration and withdrawal of the obviousness rejection of Claim 36.

Claims 38, 44 to 46, 48, 49, and 51 depend from Claim 36 and so distinguish over the combination of references for at least the same reasons as Claim 36. Applicants respectfully request reconsideration and withdrawal of the obviousness rejection of each of Claims 38, 44 to 46, 48, 49, and 51.

Claim 1 stands rejected as "a system claim that is broader than the system claim 36 and is rejected for the same reasons."

Applicants respectfully traverse the obviousness rejection of Claim 1. Claim 1 recites in part "a network connect

module." Such a module is not recited in Claim 36. Accordingly, this is further evidence that the claim language has been reduced to a gist. Nevertheless, the above comments concerning the combination of references, and the comments concerning the client proxy device are incorporated herein by reference. From the rejection it is not possible to ascertain what is considered to be either the client proxy device or the network connect module in Crichton. Applicants request reconsideration and withdrawal of the obviousness rejection of Claim 1.

Claims 2, 9 to 11, 13, 14, and 16 depend from Claim 1 and so distinguish over the combination of references for at least the same reasons as Claim 1. Applicants respectfully request reconsideration and withdrawal of the obviousness rejection of each of Claims 2, 9 to 11, 13, 14, and 16.

Claim 18 stands rejected for the same reasons as Claim 36. Claim 18 is a method claim that includes limitations similar to those discussed above with respect to Claim 36. Accordingly, the above comments with respect to Claim 36 are applicable to Claim 18 and are incorporated herein by reference. Applicants respectfully request reconsideration and withdrawal of the obviousness rejection of Claim 18.

Claims 20, 26 to 28, 30, 31, 33, and 35 depend from Claim 18 and so distinguish over the combination of references for at least the same reasons as Claim 18. Applicants respectfully request reconsideration and withdrawal of the obviousness rejection of each of Claims 20, 26 to 28, 30, 31, 33, and 35.

Claim 53 stands rejected for the same reasons as Claim 36. Claim 53 is a system claim that includes limitations similar to those discussed above with respect to Claim 1. Accordingly, the above comments with respect to Claim 1 are applicable to Claim 53 and are incorporated herein by reference. Applicants

respectfully request reconsideration and withdrawal of the obviousness rejection of Claim 53.

Claims 3 to 5, 12, 19, 22, 29, 37, 39, 40 and 47 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Crichton et al. in view of Tavs et al, and further in view of U.S. Patent No. 6,754,831.

Applicants respectfully traverse the obviousness rejection of each of Claims 3 to 5, 12, 19, 22, 29, 37, 39, 40 and 47. Assuming arguendo that the combination of references is correct, the additional information from the third reference fails to correct the defects of the primary combination of references as noted above for the corresponding independent claims from which these claims depend. The above comments, with respect to each of the corresponding independent claims, are incorporated herein by reference. Applicants respectfully request reconsideration and withdrawal of the obviousness rejection of each of Claims 3 to 5, 12, 19, 22, 29, 37, 39, 40 and 47.

Claims 6 to 8, 15, 23 to 25, 32, 41 to 43, and 50 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Crichton et al. in view of Tavs et al and U.S. Patent No. 6,754,831 and further in view of Hubbard et al.

Applicants respectfully traverse the obviousness rejection of each of Claims 6 to 8, 15, 23 to 25, 32, 41 to 43 and 50. Assuming arguendo that the combination of four references is correct, the additional information from the fourth reference taken with the information from the third reference fails to correct the defects of the primary combination of references as noted above for the corresponding independent claims from which these claims depend. The above comments, with respect to each of the corresponding independent claims, are, incorporated herein by reference. Applicants respectfully request reconsideration and withdrawal of the obviousness rejection of each of Claims 6 to 8, 15, 23 to 25, 32, 41 to 43 and 50.

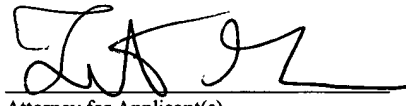
Claims 17, 34 and 52 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Crichton et al. in view of Tavs et al, and further in view of U.S. Patent No. 6,424,980.

Applicants respectfully traverse the obviousness rejection of each of Claims 17, 34, and 52. Assuming arguendo that the combination of references is correct, the additional information from the third reference fails to correct the defects of the primary combination of references as noted above for the corresponding independent claims from which these claims depend. The above comments, with respect to each of the corresponding independent claims, are incorporated herein by reference. Applicants respectfully request reconsideration and withdrawal of the obviousness rejection of each of Claims 17, 34, and 52.

Claims 1 to 53 remain in the application. Claims 12, 13, 18, 26, and 44 have been amended. For the foregoing reasons, Applicant(s) respectfully request allowance of all pending claims. If the Examiner has any questions relating to the above, the Examiner is respectfully requested to telephone the undersigned Attorney for Applicant(s).

CERTIFICATE OF MAILING

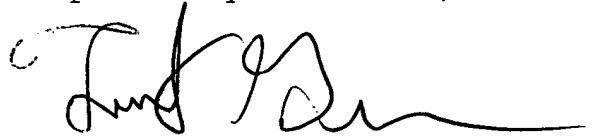
I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on August 5, 2005.



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August 5, 2005
Date of Signature

Respectfully submitted,



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